



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

MATTHEW STEPHAN MCCORMACK, aka	§	
Matthew Stephen McCormack,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:06-2598-HFF-WMC
	§	
OFC. SMITH et al.,	§	
Defendants.	§	

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ORDER

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This case was filed as a 42 U.S.C. § 1983 action. Plaintiff, a pre-trial detainee, is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff's motion to dismiss this case be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 26, 2006. Plaintiff failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard stated above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that, pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff's motion to dismiss this case must be **GRANTED**. As such, the case is hereby **DISMISSED**.

**IT IS SO ORDERED.**

Signed this 19th day of October, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
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HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.